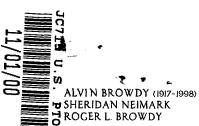
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JAY M FINKELSTEIN

Hon. Commissioner for Patents Box Patent Appln Washington, D.C. 20231

> Re: New Patent Application in U.S. Applicant: Klaus BRANDSTÄTTER 4

Title: OPERATING METHOD FOR CONTROLLING LOAD-BALANCED ...

Atty's Docket: BRANDSTATTER 4

Sir:

Attached herewith is the above-identified application for Letters Patent including:

[X] Specification (8 pages), claims (3 pages) and abstract (1 page)

[X] 7 Sheet Drawings (Figures 1-7)

[X] Formal [] Informal

[X] Declaration and Power of Attorney (2 pages)

[X] Newly executed []Copy from prior application no. ___

[] Preliminary Amendment

[] Computer-readable Sequence Listing

[] Supplemental Preliminary Amendment adding new claims -

[] Information Disclosure Statement with 1449 and references

[X] Applicant claims small entity status (A copy of the statement is attached). See 37 CFR 1.27.

[X] Please charge my American Express Account, Form PTO-2038 attached in the amount of \$ 355.00 to cover:

[X] The filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

		CLAIMS AS FILED		
FOR	NUMBER FILE	D NUMBER EXTRA	RATE	BASIC FEE \$ 710.00
TOTAL CLAIMS	8 - 20	= 0	х 18	0
INDEPENDENT CLAIMS	1 - 3	= 0	ж 80	0
[] Multiple	Dependent Clai	lm Presented	+ 270	
[X]Reduction of 1/2 for Small Entity			\$ 355.00	
TOTAL FILING	FEE			\$ 355.00

[] Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL			=	х 18	
INDEP.		-	=	x 78	
[] Mul	tiple Dependen	t Claim Present	ted	+ 260	
[] Rec	luction by 1/2	for Small Enti	ty		
		Total Ac	ditional Fee	e =	

[]	[] Other Fees: Other Attachments: .
[X]	
The	following statements are applicable:
[]	The benefit under 35 USC §119 is claimed of the filing date of: Application No in on A certified copy of said priority document [] is attached [] was filed in progenitor case on
[]	The present application is a Continuation Divisional Continuation-in-part of prior claims the benefit of U.S. Provisional application no. , filed .
[]	Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
[]	A signed statement deleting inventor(s) named in the prior application is attached.
[]	The prior application was assigned to:
[]	Amend the specification by inserting before the first line the sentence:This is a continuation/division/continuation-in-part claims the benefit of U.S. Provisional of copending parent application Serial No., filed
[]	Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application , which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these

these documents need not be filed in this application.

documents, and request that they be considered and made of record in accordance with 37 CFR $\S1.98(d)$. Per Section 1.98(d), copies of

t ~ .

- [] A verified statement claiming small entity status is enclosed in progenitor application no. , filed . Status is still proper and desired.
- [] The undersigned attorney of record hereby revokes the powers of attorney of:
- [] The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:
- [X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
 - [X] Any additional filing fees required under 37 CFR §1.16.
 - [X] Any patent application processing fees under 37 CFR §1.17.
- [X] The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
 - [X] Any patent application processing fees under 37 CFR §1.17.
 - [] The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
 - [X] Any filing fees under 37 CFR §1.16 for presentation of extra claims.
 - [X] If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- [X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted, BROWDY AND NEMMARK, /P.L.L.C.

Sheridan Weimark

Registration No. 20,520

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SN:wrd

Serial or Patent Mo.	Klaus B	RANDSTÄTTER	Attorney's
Filed or Issued:			Docket No.:
For:			
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STAT	US (37 CFR I	ENT (DECLARATION) CLAIMING .9 (f) and 1.27 (c)) — SMALL BUSIN	SMALL ENTITY IESS CONCERN
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hereby declare that I am			
[X] the owner of the sn	nall business co	oncern identified below:	
[] an official of the sr		concern empowered to act on behalf of	
NAME OF CONCERN		B electronic GmbH & Co. K(
ADDRESS OF CONCE	RN <u>Br</u>	90513 7ippdomf C-	
		30313 ZIPHOOTT - Germany	
hereby declare that the above	ve identified a-	all business concern auglicies	Il husinges parts of the state of the
121,3-18, and reproduced in	37 CFR 1.9 (d)), for purposes of paying reduced fees	Il business concern as defined in 13 CFR under section 41(a) and (b) of Title 35,
United States Code, in that the	the number of e	employees of the concern, including the	ose of its affiliates, does not exceed 500.
iscal year of the concern of the	statement, (1) t	he number of employees of the business	s concern is the average over the previous trary basis during each of the pay periods
of the fiscal year, and (2) cor	ncerns are affil	liates of each other when either, directl	ly or indirectly one concern controls or
as the power to control the	other, or a th	ird party or parties controls or has the	e power to control both.
hereby declare that rights u	nder contract c	or law have been conveyed to and rema	in with the small business concern iden-
ified above with regard to t	the invention,	entitled Uperating Method fo	in with the small business concern iden- r Controlling Load-Balanced
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the specification file	ed herewith	Cil. J	· · · · · · · · · · · · · · · · · · ·
patent no.	10.		
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naving rights to the invention	is listed below'	* and no rights to the invention are held	each individual, concern or organization I by any person, other than the inventor,
who could not qualify as a sr	mall business c	concern under 37 CFR 1.9 (d) or by an	v concern which would not qualify as a
mail business concern under	1 37 CFR 1.9 (d) or a nonprofit organization under	37 CFR 1.9 (e).
*NOTE: Separat	e verified state	ements are required from each named	person, concern or organization
	the invention	averring to their status as small entities	es. (37 CFR 1.27)
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Operating Method for Controlling Load-Balanced Access by User Computers to Server Computers in a Computer Network

BACKGROUND OF THE INVENTION

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Field of the Invention

The present invention relates to a data processing program based operating method for computer networks for controlling load-balanced access by a user computer to a server computer in a computer network with multiple user and server computers.

Background Art

A general problem with computer networks that incorporate multiple user and server computers consists of assigning to the individual user computers in the most optimized manner a server computer that has sufficient capacities, i.e., the lowest possible load. In the state of the art, this problem has, until now, essentially been solved in such a way that one of the servers registers the calls coming from the network of user computers for programs installed on all servers, and performs an allocation between a certain server computer and the user computer. The criterion for these allocations is the desire to balance the load of all connected server computers as evenly as possible.

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However, the server computer that has been given prominence in the hierarchy over the remaining server computers, which assumes the access control and is commonly referred to as the load-balancing server, has the

problem that load-balanced access by the individual user computers to certain server computers is no longer possible if this computer fails.

SUMMARY OF THE INVENTION

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Against the background of the described problem, the invention is based on the aim of revealing an operating method for computer networks that ensures load-balanced access by a user computer to one of multiple server computers without the need for a privileged load-balancing server.

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This aim is met by an operating method comprising the following steps:

- all server computers continually determine a load on their central processing unit – CPU load – and store at least one load-specific data value in a configuration that can be called up over the computer network,
- all server computers wait for datagrams stemming from user computers in the network, which incorporate a header to call up load-specific data values,
 - a user computer seeking access to the server computer with the lowest CPU load sends a datagram over the network to the server computers, with a header to call up the CPU load,
 - the server computers each send back a reply datagram over the network to the user computer with the load-specific data value,
 - the user computer analyzes the datagrams to determine which server computer has the lowest CPU load, and
- 25 access is initiated to the server with the lowest CPU load.

Recognizably, access is thus equal to all server computers and each of them determines its own load. Information regarding this load is processed by a

user computer seeking access, after which the user computer itself selects "its" server computer with the lowest load.

Recognizably, there is no longer a load-balancing server, the failure of which could impede the load-balanced access. The optimally balanced load of the server computers that are connected to the network is thus ensured in a significantly more fail-safe manner.

Preferred embodiments of the inventive operating method, the specific

10 characteristics and advantages of which will become apparent from the
following description, in which the invention is explained in greater detail
based on the appended drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

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- Figs. 1 through 3 show schematic diagrams for a method of controlling the access of a user computer to a server computer in a computer network in successive phases, and
- Figs. 4 through 7 show corresponding diagrams for an alternate operating method.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

An operating method according to the invention is implemented on the various computers in the computer network 1 shown in Figs. 1 through 7 on the basis of a corresponding data processing program. The program is installed, in the usual manner, with its corresponding program components on

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the user computers U1 through U5 on one hand, and on the server computers S1 - S5 on the other hand. It is commonly started on the server as a service. Alternately, it may also be started from the "command prompt", from the console. When the program is called up, the number of a UDP (= USER DATAGRAM PROTOCOL) port may be transmitted. If no port number is transmitted, a default port, e.g., default port 4095, is used.

Based on the program, all server computers now continually determine the load on their central processing units. This CPU load is determined on the basis of the amount of time that has elapsed since the last time the respective central processing unit was called, and a corresponding load-specific data value is determined. When multiple central processing units exist in a server computer, the average of all active processors is formed. The inventive program then stores these determined values in a defined number of 20 entries of elapsed amounts of time in a table, from which a data value is determined that is specific for the CPU load.

In this condition all server computers S1 through S5 wait for datagrams arriving from the user computers U1 through U5, while the load-specific data value is continually updated.

If access is now to take place by a user computer U3 from the total number of user computers U1 through U5 to initiate a program session on the server computer S1 through S5 with the lowest load, a circular datagram is transmitted by the user computer U3 to all server computers S1 through S5 in the network 1. The datagram contains a header identifying the datagram as an instruction to call up the CPU load of the respective server computer S1 through S5 over the network 1. Instead of a circular datagram, individ-

ual datagrams may also be sent to predefined server computers S1 through S5, which can be implemented based on the program configuration. The circular datagram is symbolized in Fig. 1 by the arrows 2.

5 Based on the circular datagram 2, all server computers S1 through S5 return reply datagrams 3.1 through 3.5 (see arrows in Fig. 2), in which a loadspecific data value is transmitted over the network 1 to the user computer 3 via the UDP port 4095. This data value may be standardized to a range of 0 to 10,000, for example, with the value 10,000 corresponding to a 100% 10 load. The reply datagrams 3.1 to 3.5 from the individual server computers S1 through S5 contain additional information regarding available connection ports, by which an exchange of data can take place between the user computer U3 and the respective server computer S1 through S5 according to the defined data exchange protocols. For example, the data exchange 15 protocol RDP is available at all server computers S1 through S5. The server computers S1 and S5 additionally offer the ICA protocol. Lastly, data encryption is implemented on the server computers S1 through S3. The information relating to this is contained in the reply datagrams 3.1 through 3.5, as indicated in Fig. 2.

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The user computer U3 now analyzes the datagrams 3.1 through 3.5 to determine which server computer has the lowest load under certain framework conditions, such as the desired data exchange protocol. If, for example, a connection is to be made via ICA, as a matter of principle only the server computers S1 and S5 are suitable. Of these two, the server computer S1 has a lower load with a CPU load of 2000, compared to the server computer S5 with a CPU load of 3000. The inventive operating method will,

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therefore, establish a connection between the user computer U3 and the server computer S1, as indicated at 4.1 in Fig. 3.

However, if a connection between computers is to be made via the RDP protocol, all server computers are available. Accordingly, the server computer S2 will be selected for the connection 4.2 since, with a CPU load of 500, it has the lowest load of all server computers S1 through S5.

To summarize, access will be initiated via the inventive access method to the server computer S1 or S2 that has the lowest CPU load while providing the desired data exchange protocol.

An alternate implementation of the inventive access method is symbolized in Figs. 4 through 7. To avoid unnecessary explanations, only the differences from the above-described method will be pointed out in this context. A circular datagram 5 is transmitted to the server computers S1 through S5 over the computer network 1 from the user computer U1 seeking access to the server computer with the lowest load, which, in addition to the abovementioned header to call up the CPU load, also contains identification parameters representative for this computer, namely a user identification number "userID" and, optionally, also an associated domain name. If the received datagram 5 contains a userID, a determination is made with the aid of a corresponding API (application programming interface) in the server computer S1 through S5, whether program sessions with this user identification number are currently running. If a domain name is transmitted in addition to the user identification number, an additional check is performed when the user identification number matches, to determine whether the domain name matches.

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On the server computers S1 through S5 it is now registered, in the usual manner, which program sessions are currently running in which condition. Distinctions are made, in this context, between the conditions "disconnected", "connected and active" and "other". The latter condition has no specific program-related definition.

If a circular datagram 5 with user ID and domain name is now transmitted, the server computers each send reply datagrams 6.1 through 6.5 which contain, in addition to the load-specific data value for the CPU load and the available transfer protocols, also a listing of the number of program sessions currently running for this user ID and domain name. For example, no program sessions of the user computer U1 are running on the server computers S1, S3, S5, which is manifested by the information "Sessions: 0/0/0".

On the server computer S2, two program sessions are disconnected and none are active, which is illustrated by the information "Sessions:2/0/0". The server computer S4 reports "Sessions:1/1/0", which means one disconnected and one connected, active program session.

The user computer U3 now analyzes the incoming reply datagrams 6.1 through 6.5 in such a way that it registers the respective CPU loads and the fact whether a disconnected program session exists on a server computer. In Fig. 6 this has been indicated by the table 7. In the process, the determination is made that a disconnected program session exists on the server computer S4 with the highest load of 50% of all server computers S1 through S5. The user computer U3 accordingly re-establishes this discon-

nected RDP program session with a corresponding connection 8 to the server computer S4 (see Figure 7).

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What is claimed is:

- A data processing program based operating method for computer networks to control load-balanced access by a user computer to a server computer in a computer network with multiple user and server computers having the following method steps:
 - all server computers (S1 S5) continually determine the load of their central processing unit – CPU load – and store at least one load-specific data value in a configuration that can be called up over the computer network (1),
 - all server computers (S1 S5) wait for datagrams (2, 5) stemming from user computers (U1 U5) in the computer network (1), which incorporate a header to call up load-specific data values,
 - a user computer (U3) seeking access to the server computer (S1 S5) with a lowest CPU load sends a datagram (2, 5) over the computer network (1) to the server computers (S1 S5), with a header to call up the CPU load,
 - the server computers (S1 S5) each send back a reply datagram (3.1 3.5; 6.1 6.5) over the computer network (1) to the user computer (U3) with the load-specific data value,
 - the user computer (U3) analyzes the reply datagrams (3.1 3.5; 6.1
 6,5) to determine which server computer (S1 S5) has the lowest CPU load, and
 - access is initiated to the server computer (S1, S2) with the lowest CPU load.
- 2. A method as set forth in claim 1, wherein the load-specific data value for the CPU load of a central processing unit of the respective server

computer (S1 - S5) is determined based on an amount of time that has elapsed since a last call on the central processing unit.

- 3. A method as set forth in claim 2, wherein the data value is determined from a defined number of entries of elapsed amounts of time into a table.
 - 4. A method as set forth in claim 1, wherein the user computer (U3) seeking access sends a circular datagram (2, 5) to all server computers in the computer network (1).
 - 5. A method as set forth in claim 1, wherein the user computer seeking access sends individual datagrams to pre-defined server computers.
- 6. A method as set forth in claim 1, wherein the user computer (U3) seeking access sends a user identification parameter that is representative for this computer, specifically a user identification number (userID) and an associated domain name, to the server computer (S1 S5).

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7. A method as set forth in claim 5, wherein the server computers (S1 - S5) transmit datagrams (6.1 - 6.5) with additional information on the active or interrupted program sessions for the user computer seeking access.

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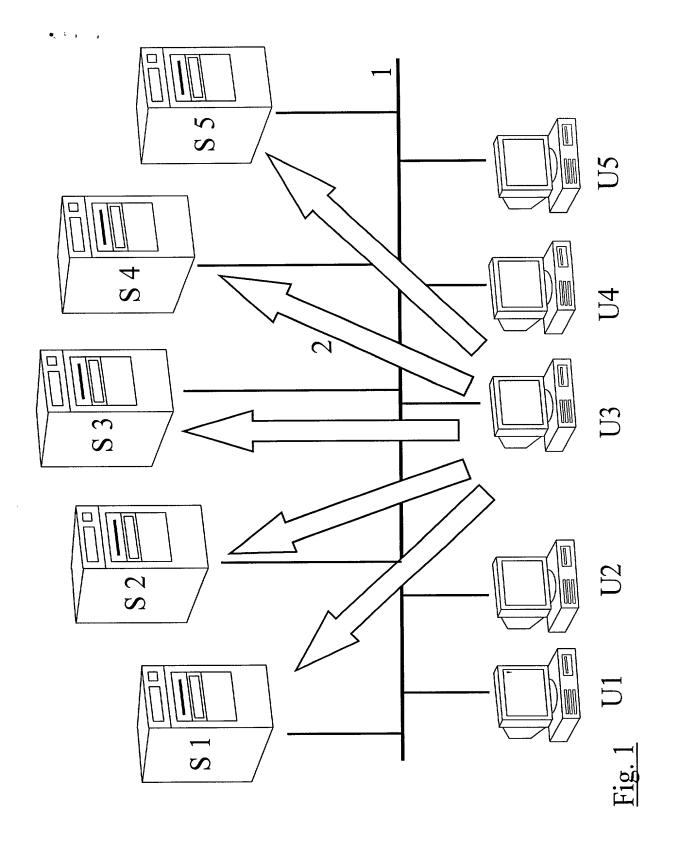
8. A method as set forth in claim 1, wherein the server computers (S1 - S5) transmit datagrams (3.1 - 3.5; 6.1 - 6.5) with information regarding

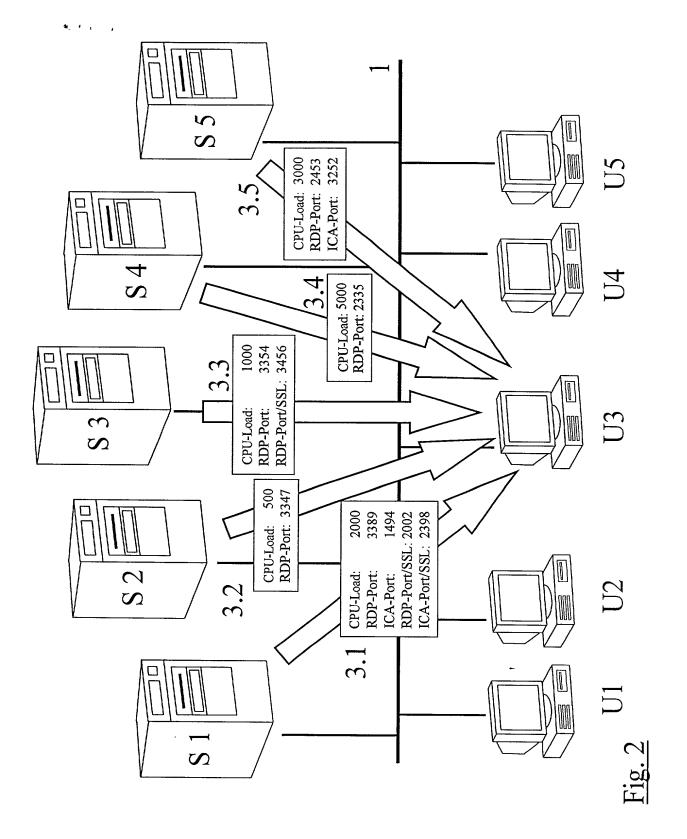
connection ports that are available under defined data exchange protocols (RDP; ICA).

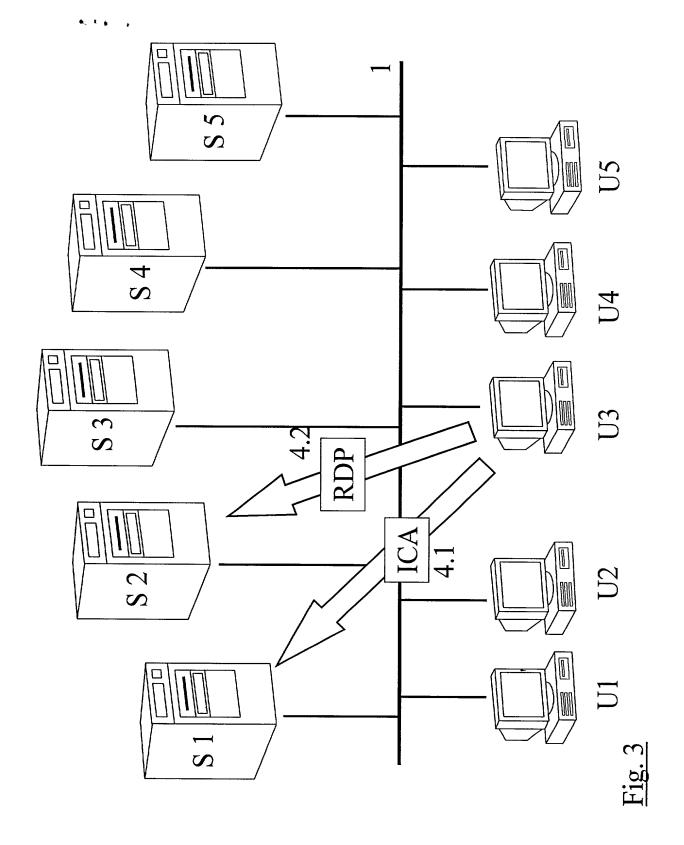
Abstract

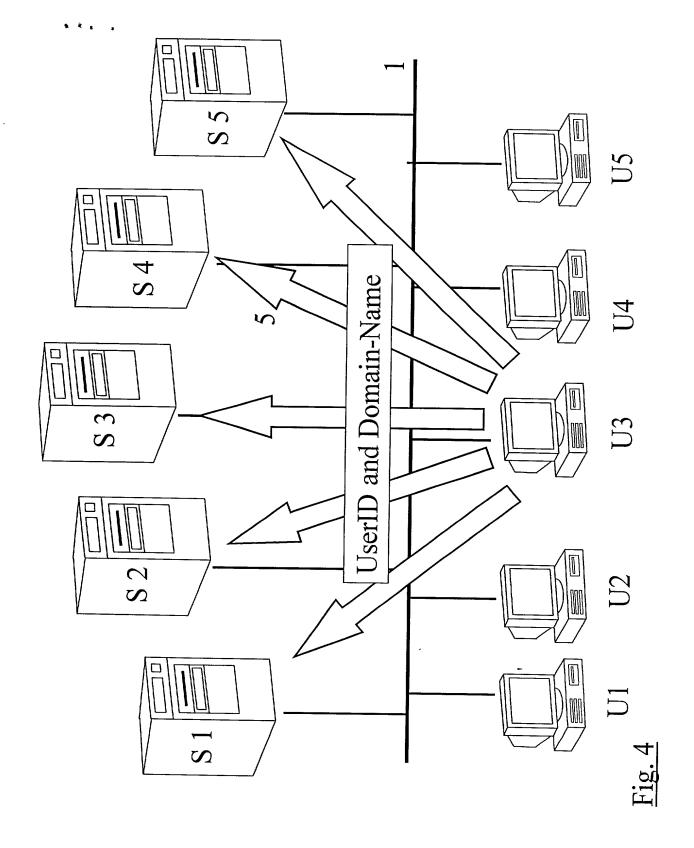
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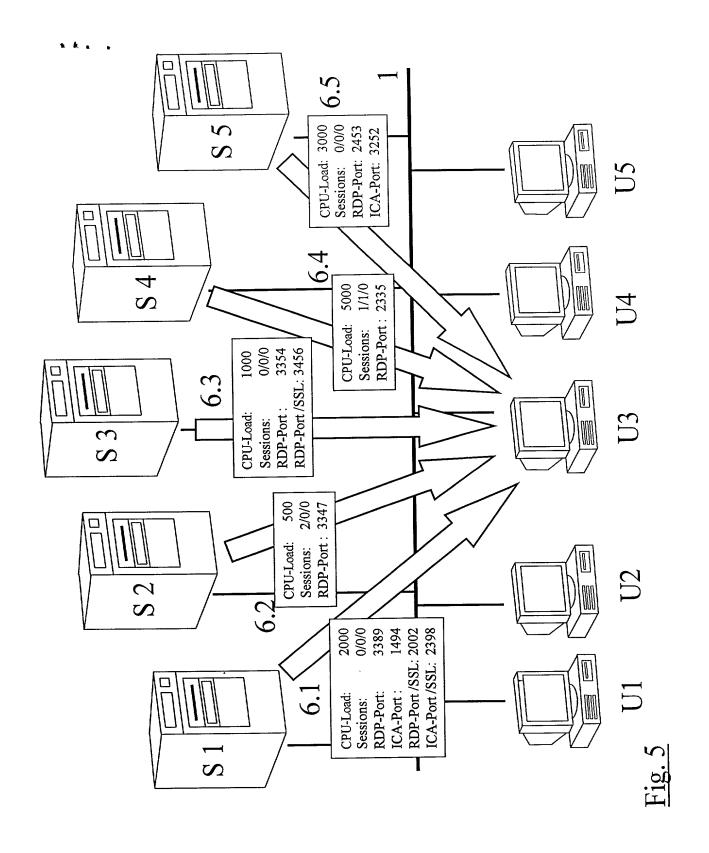
An operating method on the basis of a data processing program is designed to control load-balanced access by a user computer to a server computer in a computer network. The load-balanced access takes place based on an inquiry by the user computer to all server computers regarding their load, and according to an assignment to the server computer with the lowest load.

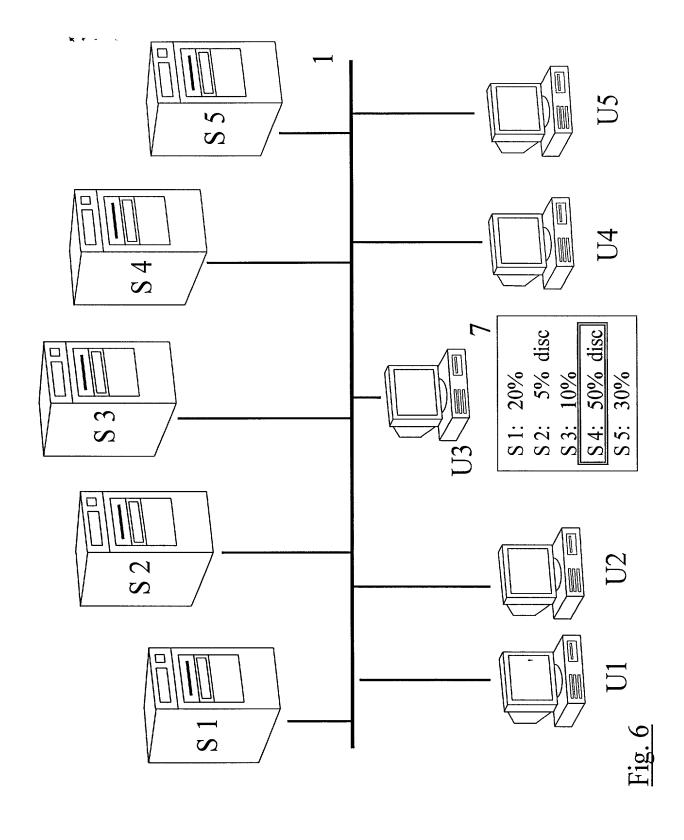


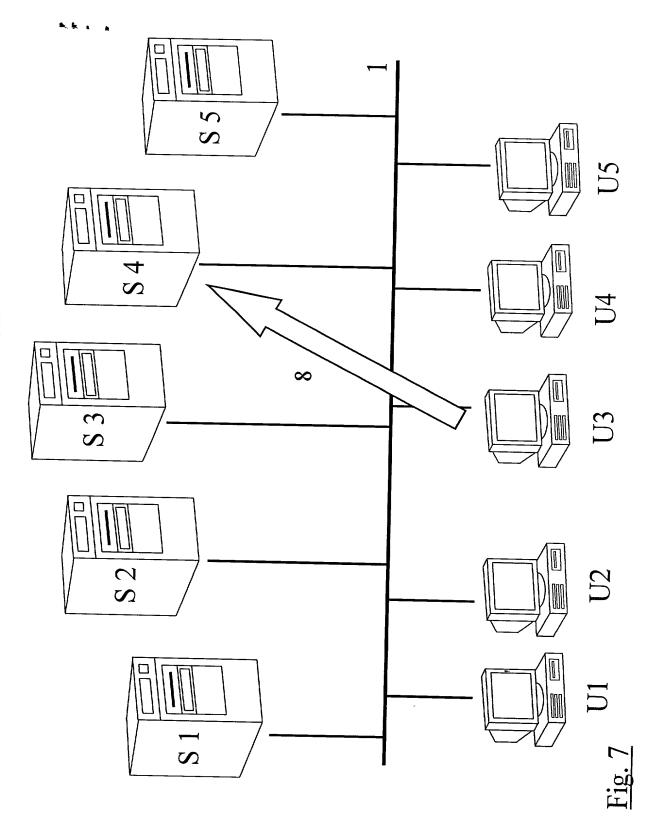












Combined Declaration for Patent Application and Power of Attorney

As a below-gamed inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Operating Method for Controlling Load-Balanced Access by User Computers to Server Computers in a

concrotting road-	palanced Access by Us	er computers to serve	er computers in a
the specification of which (ch	neck one) Computer Net	work	
[] was file U.S. A _l	hed hereto; ed in the United States under 35 Uppln. No*; or		
interna ————	ll be filed in the U.S. under 3 tional (PCT) application, PCT/ *; national stage ap * (* if known)	; filed plication received U.S. Appln. N	, entry requested on
and was amended on		(if applicabl	e).
(includ	de dates of amendments under PCT Ar	. 19 and 34 if PCT)	
amendment referred to abo information known by me to I hereby claim foreign prior inventor's certificate, or prior	tand the contents of the above-id to; and I acknowledge the duty be material to patentability as definity benefits under 35 U.S.C. §§ or PCT application(s) designating trified below any such application	to disclose to the Patent and ined in 37 C.F.R. §1.56. 119 and 365 of any prior fore a country other than the U.S., 1	I Trademark Office (PTO) all ign application(s) for patent or isted below with the "Yes" box
(Number)	(Country)	(Day Month Year Filed)	YES NO
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designating the U.S. listed to subject matter of each of the by the first paragraph of 35	nder 35 U.S.C. §120 of any prior pelow, or under §119(e) of any prior claims of this application is not of U.S.C. §112, I acknowledge the diverse the filing date of the prior apprior	or U.S. provisional applications lisclosed in such U.S. or PCT ap- acty to disclose to the PTO all info	listed below, and, insofar as the plication in the manner provided primation as defined in 37 C.F.R.
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(Application No.)	(Day Month Yea	r Filed) (Status: pate	ented, pending, abandoned)

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

All of the practitioners associated with Customer Number 001444

Direct all correspondence to the address associated with Customer Number 001444; i.e.,

BROWDY AND NEIMARK, P.L.L.C. 624 Ninth Street, N.W. Washington, D.C. 20001-5303 (202) 628-5197

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from __ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

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ALL INVENTORS MUST REVIEW APPLICATION AND DECLARATION BEFORE SIGNING. ALL ALTERATIONS MUST BE INITIALED AND DATED BY ALL INVENTORS PRIOR TO EXECUTION. NO ALTERATIONS CAN BE MADE AFTER THE DECLARATION IS SIGNED. ALL PAGES OF DECLARATION MUST BE SEEN BY ALL INVENTORS.